

AMENDED IN SENATE MAY 10, 2016

SENATE BILL

No. 1406

Introduced by Senator Mendoza

February 19, 2016

An act to add Section 54.27 to the Civil Code, relating to disability access.

LEGISLATIVE COUNSEL'S DIGEST

SB 1406, as amended, Mendoza. Construction-related accessibility: public entities.

Existing law provides that individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, and physicians' offices, public facilities, and other public places. Existing law requires an attorney who *provides a demand letter or* sends or serves a complaint containing a claim of a violation of any construction-related accessibility standard, as defined, with respect to a place of public accommodation, to send a copy of the *demand letter or* complaint to the California Commission on Disability Access within 5 business days of *providing the demand letter or* sending or serving the ~~complaint~~ and complaint. Existing law further requires an attorney who *sends or serves that complaint* to notify the commission of judgment, settlement, or dismissal of the claim or claims alleged in the complaint and other specified information within 5 business days of the judgment, settlement, or dismissal.

This bill would also require an attorney who *provides a demand letter or* sends or serves a complaint alleging a construction-related accessibility claim, as defined, against a public ~~entity~~ entity, as defined,

to send a copy of the ~~complaint~~ demand letter or complaint to the commission within 5 business days of providing the demand letter or sending or serving the complaint, would require the attorney to also submit information about the complaint with the copy of the complaint, and would further require the attorney to submit the notification of judgment, settlement, or dismissal to the commission, as described above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54.27 is added to the Civil Code, to read:
2 54.27. (a) An attorney who ~~sends~~ provides a demand letter
3 alleging a construction-related accessibility claim against a public
4 entity shall send a copy of the demand letter to the California
5 Commission on Disability Access within five business days of
6 providing the demand letter.
7 (b) An attorney who sends or serves a complaint alleging a
8 construction-related accessibility claim against a public entity shall
9 do both of the following:
10 (1) Send a copy of the complaint ~~to the~~ and submit information
11 about the complaint in a standard format specified by the California
12 Commission on Disability Access to the commission within five
13 business days of sending or serving the complaint.
14 (2) Notify the California Commission on Disability Access
15 within five business days of judgment, settlement, or dismissal of
16 the claim or claims alleged in the complaint of the following
17 information in a standard format specified by the commission:
18 (A) The date of the judgment, settlement, or dismissal.
19 (B) Whether or not the construction-related accessibility
20 violations alleged in the complaint were remedied in whole or in
21 part after the plaintiff filed a complaint.
22 (C) If the construction-related accessibility violations alleged
23 in the complaint were not remedied in whole or in part after the
24 plaintiff filed a complaint, whether or not another favorable result
25 was achieved after the plaintiff filed the complaint.
26 ~~(b)~~
27 (c) For purposes of this section, the following terms have the
28 following meanings:

1 (1) “Construction-related accessibility claim” or “claim” means
2 any claim of a violation of any construction-related accessibility
3 standard, as defined by paragraph (6) of subdivision (a) of Section
4 55.52, with respect to a public building, public facility, or other
5 public place.

6 (2) “Public entity” ~~includes the state, means the Regents of the~~
7 ~~University of California, the Trustees of the California State~~
8 ~~University and the California State University, a county, city,~~
9 ~~district, public authority, public agency, and any other political~~
10 ~~subdivision or public corporation in the state, except that “public~~
11 ~~entity” does not include “state entity” as defined in subdivision~~
12 ~~(d) of Section 7103 of the Public Contract Code. the California~~
13 ~~Community Colleges Office of the Chancellor and the California~~
14 ~~Community Colleges, a K-12 school district, or any local education~~
15 ~~agency.~~